

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASEY CUNNINGHAM, et al.,

Plaintiffs,

v.

No. 1:16-CV-6525-PKC

CORNELL UNIVERSITY, et al.,

Defendants.

NOTICE OF CONDITIONAL CROSS-APPEAL

Notice is hereby given that Defendant Capfinancial Partners, LLC (“CAPTRUST”) conditionally cross-appeals to the United States Court of Appeals for the Second Circuit from the final judgment entered in this action on December 22, 2020. Specifically, CAPTRUST conditionally cross-appeals the district court’s ruling that Plaintiffs were entitled to a jury trial rather than a bench trial (Doc. 198) and other orders and rulings subsumed within the judgment. The Court of Appeals need not address CAPTRUST’s conditional cross-appeal if it affirms the district court’s judgment.

Respectfully submitted,

/s/ Eric S. Mattson

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CERTIFICATE OF SERVICE

I certify that on January 19, 2021, a copy of the foregoing Notice of Conditional Cross-Appeal was electronically filed. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Eric S. Mattson